

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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<b>DENNIS DIMON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>VS.</b>	)	
	)	<b>C. A. No: 05-11073 NG</b>
<b>METROPOLITAN LIFE</b>	)	
<b>INSURANCE COMPANY, KEMPER</b>	)	
<b>INSURANCE COMPANY,</b>	)	
<b>MORGAN STANLEY DW, INC.,</b>	)	
<b>MICHAEL B. LATTI, LATTI</b>	)	
<b>ASSOCIATES, and LATTI &amp;</b>	)	
<b>ANDERSON LLP,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**METROPOLITAN LIFE INSURANCE COMPANY'S  
MOTION IN LIMINE TO PRECLUDE NEWSPAPER ARTICLES  
IDENTIFIED BY PLAINTIFF IN THE JOINT PRE-TRIAL BRIEF**

**ORAL HEARING REQUESTED**

Defendant, Metropolitan Life Insurance Company (hereinafter "MetLife"), moves to preclude Plaintiff and his counsel from submitting into evidence the copies of the New York Times Articles from April 10, 1984, entitled "State Inquiry on Charter Annuities" and from November 4, 1983, entitled "Redemption Rate Jumps for Charter's Annuities." Copies of these articles are attached hereto as Exhibit "A".

MetLife respectfully states that any reference to these articles has no relevance to this case. Both of these articles refer to the "Charter Company," and one article also names "Charter Security Life Insurance" as the Charter Company's insurance subsidiary. There is no evidence that Charter Security Life Insurance Company (New York) and the Charter Company referred in

Exhibit "A" were the same entity. In addition, the April 10, 1984 New York Times article states that the Charter Security Life Insurance Company in question was "based in New Jersey and is not licensed to issue policies in New York." *See* Exhibit "A". Despite the similarities between the names, the April 10, 1984 article refers to a different company from Charter Security Life Insurance Company (New York) because Charter Security Life Insurance Company (New York) was licensed to issue policies in New York at the time of the article.

**WHEREFORE**, Metropolitan Life Insurance Company prays that this Court issue an Order to preclude Plaintiff and his counsel from submitting into evidence the copies of the New York Times Articles from April 10, 1984 entitled "State Inquiry on Charter Annuities" and from November 4, 1983 entitled "Redemption Rate Jumps for Charter's Annuities."

**REQUEST FOR ORAL ARGUMENT**

MetLife respectfully requests that, pursuant to Local Rule 7.1(D), the Court schedule this matter for oral argument. Oral argument will assist the Court in making its decision on MetLife's Motion.

Respectfully submitted by:

Defendant,

METROPOLITAN LIFE INSURANCE  
COMPANY,

By its Attorneys,

/s/ James J. Ciapciak

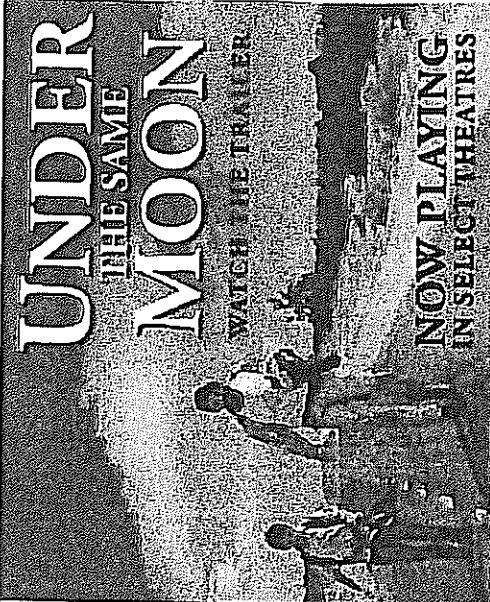
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing document was filed via the ECF system and will be served electronically through that system upon Counsel of Record on May 12, 2008.

/s/ Peter M. LeBlanc  
Peter M. LeBlanc

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<p><b>The New York Times</b> Wednesday, April 9, 2008</p> <p><a href="#">HOME PAGE</a>   <a href="#">MY TIMES</a>   <a href="#">TODAY'S PAPER</a>   <a href="#">VIDEO</a>   <a href="#">MOST POPULAR</a>   <a href="#">TIMES TOPICS</a></p> <p><b>E-mail This</b></p> <p>By MICHAEL BLUMSTEIN</p> <p><b>REDEMPTION RATE JUMPS FOR CHARTER'S ANNUITIES</b></p> <p>The Charter Company said yesterday that adverse publicity about its annuities had increased the rate at which they are being cashed in - to at least \$6 million a day from \$1.5 million - and had slowed the sale of new policies. However, the company remained adamant that it was financially sound and said it would have no trouble meeting demands to return to investors their premium payments with interest.</p> <p>"The cash is there to pay all surrenders, and we will pay all surrenders," said J. Dix Druce, chairman and chief executive officer of Charter Security Life Insurance companies, Charter's insurance subsidiaries.</p> <p>"We are making money on every surrender," he added in an interview, referring to the penalty that most Charter investors must pay for cashing in their policies before maturity.</p> <p>(A link to this page will be included in your message.)</p> <p><b>Your E-mail address:</b> <a href="mailto:karenb1463@yahoo.com">karenb1463@yahoo.com</a></p> <p><b>Recipient's E-Mail Address:</b> <input type="text"/></p> <p><b>Personal Message (Optional):</b>  11/4/83</p>	<p><a href="#">My Account</a>   <a href="#">Welcome, karenb0214</a>   <a href="#">Member Center</a>   <a href="#">Log Out</a></p> <p><b>Ameriprise</b> Financial</p> <p><input type="text"/> <a href="#">Search</a></p> <p><b>FINANCIAL DESK</b></p> <p>article tools <a href="#">ROCK IN ROLL</a> <a href="#">WE NEVER DIE</a></p> <p><b>REDEMPTION RATE JUMPS FOR CHARTER'S ANNUITIES</b></p> <p>By MICHAEL BLUMSTEIN</p> <p>The Charter Company said yesterday that adverse publicity about its annuities had increased the rate at which they are being cashed in - to at least \$6 million a day from \$1.5 million - and had slowed the sale of new policies. However, the company remained adamant that it was financially sound and said it would have no trouble meeting demands to return to investors their premium payments with interest.</p> <p>"The cash is there to pay all surrenders, and we will pay all surrenders," said J. Dix Druce, chairman and chief executive officer of Charter Security Life Insurance companies, Charter's insurance subsidiaries.</p> <p>"We are making money on every surrender," he added in an interview, referring to the penalty that most Charter investors must pay for cashing in their policies before maturity.</p> <p>(A link to this page will be included in your message.)</p> <p><input type="checkbox"/> <a href="#">Send me a copy</a></p> <p><b>UNDER THE SAME MOON</b></p> <p>WATCH THE TRAILER</p> <p><b>NOW PLAYING</b> IN SELECT THEATRES</p> 
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The New York Times  
nytimes.com

April 10, 1984

## State Inquiry On Charter Annuities

The New York Insurance Superintendent's office said it is investigating whether brokers illegally sold annuities that were issued by a subsidiary of the Charter Company.

The investigation involves single-premium deferred annuities issued by the Charter Security Life Insurance Company. That Charter unit is based in New Jersey and is not licensed to issue policies in New York.

Charter acknowledged that it knew of the investigation but said that the company had not done anything wrong and was not aware of any charges that had been filed. The New York Insurance Superintendent did not identify which brokerage firms were being investigated.

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